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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,768	11/28/2000	Hiroshi Kondo	1503.64981	6836

24978 7590 11/04/2003

GREER, BURNS & CRAIN
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CHICAGO, IL 60606

EXAMINER

PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 11/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,768

Applicant(s)

KONDO ET AL.

Examiner

Emerson C Puente

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-30,32,33,35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims 13-30, 32-33, and 35-36 have been examined. Claims 1-12, 31, and 34 have been canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-23, 26-30, 32-33, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,530,946 of Bouvier et al. referred hereinafter “Bouvier”.

In regards to claim 13, Bouvier discloses a notification apparatus, comprising:

a notification device notifying, when a failure occurs in a system and use of a failed device is prohibited, a device control unit that performs control over the failed device, of a prohibition of use of the failed device by enabling the device control unit to access the failed device (see figure 2 item 250 and column 3 lines 1-10 and column 7 lines 30-50).

In regards to claim 14, Bouvier discloses:

wherein said notification device includes a pseudo-interrupt issuance device making the device control unit access the failed device by issuing a pseudo- interrupt to the device control unit and calling up an interrupt process of the device control unit. Bouvier discloses a timer unit which asserts a timeout signal which is received by control unit, indicating a pseudo-interrupt to the control unit (see column 7 lines 30-35). Furthermore, Bouvier discloses the disabling of processing unit when the countdown elapses, such as by asserting a back-off signal to processing unit, which would halt operations (see column 7 lines 44-46), indicating a interrupt process.

In regards to claim 15, Bouvier discloses:

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wherein said notification device includes an access instruction issuance device making the device control unit access the failed device by issuing an access instruction to the device control unit and calling up an access process of the device control unit. Bouvier discloses a timer unit which asserts a timeout signal which is received by control unit, indicating an access instruction issuance device making the device control unit access the failed device by issuing an access instruction to the device control unit (see column 7 lines 30-35). Furthermore, Bouvier discloses the disabling of processing unit when the countdown elapses, such as by asserting a back-off signal to processing unit or causing the processing unit to execute in a closed loop (see column 7 lines 44-47), indicating calling up an access process of the device control unit.

In regards to claim 16, Bouvier discloses:

a notification judgment device judging whether the device control unit should be notified of the prohibition of use of the failed device. Bouvier discloses a timer unit that asserts a timeout signal to the control unit during the lapse of a countdown period (see figure 2 item 252 and column 7 lines 30-35).

In regards to claim 17, Bouvier discloses:

wherein said notification judgment device includes a device judging whether a device control unit should be notified of a prohibition of use of a failed device for each device group included in the system. Bouvier discloses a timer unit that asserts a timeout signal to the control unit during the lapse of a countdown period (see column 7 lines 30-35).

In regards to claim 18, Bouvier discloses:

wherein said notification judgment device includes a device judging whether a device control unit should be notified of a prohibition of use of a failed device for each device control unit that performs control over a device included in the system. Bouvier discloses a timer unit that asserts a timeout signal to the control unit during the lapse of a countdown period (see column 7 lines 30-35).

In regards to claim 19, Bouvier discloses:

wherein said notification judgment device includes a device judging whether a device control unit should be notified of a prohibition of use of a failed device for each device included in the system. Bouvier discloses a timer unit that asserts a timeout signal to the control unit during the lapse of a countdown period (see column 7 lines 30-35).

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In regards to claim 20, Bouvier discloses:

wherein said notification judgment device includes setting device setting information about whether the device control unit should be notified of the prohibition of use of the failed device, and outputs a judgment result corresponding to the set information. Bouvier discloses countdown period, indicating setting information, wherein the lapse of a countdown period causes a timeout signal be received by the control unit, indicating a judgment result corresponding to the set information (see column 7 lines 30-35).

In regards to claim 21, Bouvier discloses:

wherein said setting device includes a device setting the information for each device group included in the system (see column 7 lines 30-35).

In regards to claim 22, Bouvier disclose:

wherein said setting device includes a device setting the information for each device control unit that performs control over a device included in the system (see column 7 lines 30-35).

In regards to claim 23, Bouvier discloses:

wherein said setting device includes a device setting the information for each device included in the system (see column 7 lines 30-35).

In regards to claim 26, Bouvier discloses a notification apparatus, comprising:

a notification device changing, when a failure occurs in a system and use of a failed device is prohibited, a state of the failed device to a state where another system related to the failed device can recognize a prohibition of use of the failed device (see column 3 lines 1-10).

In regards to claim 27, Bouvier discloses a computer-readable storage medium on which is recorded a program for enabling a computer to perform

notifying, when a failure occurs in a system and use of a failed device is prohibited, a device control unit that performs control over the failed device, of a prohibition of use of the failed device by making the device control unit access the failed device (see figure 2 item 250 and column 3 lines 1-10 and column 7 lines 30-50).

In regards to claim 28, Bouvier discloses a computer-readable storage medium on which is recorded a program for enabling a computer to perform

changing, when a failure occurs in a system and use of a failed device is prohibited, a state of the failed device to a state where another system related to the failed device can recognize a prohibition of use of the failed device (see column 3 lines 1-10).

In regards to claim 29, Bouvier discloses a notification method, comprising:

prohibiting use of a failed device when a failure occurs in a system and notifying a device control unit that performs control over the failed device, of the prohibition of use of the failed device by making the device control unit access the failed device (see figure 2 item 250 and column 3 lines 1-10 and column 7 lines 30-50).

In regards to claim 30, Bouvier discloses a notification method, comprising:

prohibiting use of a failed device when a failure occurs in a system and changing a state of the failed device to a state where another system related to the failed device can recognize the prohibition of use of the failed device (see column 3 lines 1-10).

In regards to claim 32, Bouvier discloses a notification apparatus, comprising:

prohibition means for prohibiting use of a failed device when a failure occurs in a system and notification means for notifying a device control unit that performs control over the failed device of the prohibition of use of the failed device by making the device control unit access the failed device (see figure 2 item 250 and column 3 lines 1-10 and column 7 lines 30-50).

In regards to claim 33, Bouvier discloses a notification apparatus, comprising:

prohibition means for prohibiting use of a failed device when a failure occurs in a system and notification means for changing a state of the failed device to a state where another system related to the failed device can recognize the prohibition of use of the failed device (see column 3 lines 1-10).

In regards to claim 35, Bouvier discloses a transmission medium for transmitting a computer program for enabling a program for enabling the computer to perform

notifying, when a failure occurs in a system and use of a failed device is prohibited, a device control unit that performs control over a failed device, of a prohibition of use of the failed device by making the device control unit access the failed device (see figure 2 item 250 and column 3 lines 1-10 and column 7 lines 30-50).

In regards to claim 36, Bouvier discloses a transmission medium for transmitting a computer program for enabling a program for enabling the computer to perform

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changing, when a failure occurs in a system and use of a failed device is prohibited, a state of the device to a state where another system related to the failed device can recognize a prohibition of use of the failed device (see column 3 lines 1-10).

Claims 13, 16, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,740,357 of Gardiner et al. referred hereinafter "Gardiner".

In regards to claim 13, Gardiner discloses a notification apparatus, comprising:

a notification device notifying, when a failure occurs in a system and use of a failed device is prohibited, a device control unit that performs control over the failed device, of a prohibition of use of the failed device by enabling the device control unit to access the failed device. Gardiner discloses a error handler which passes error information to a fault handler, indicating a notification device notifying, when a failure occurs in a system and use of a failed device is prohibited, a device control. Furthermore, Gardiner discloses a fault handler that initiates repair action and attempts to isolate the fault, indicating a device control unit that performs control over the failed device, of a prohibition of use of the failed device by enabling the device control unit to access the failed device (see figure 2 item 40, 50 column 5 lines 10-18).

In regards to claim 16, Gardiner discloses

a notification judgment device judging whether the device control unit should be notified of the prohibition of use of the failed device. Gardiner discloses an error detector which compares expected behavior with actual observed behavior and upon detection of an error, notifies and provides corresponding error information to the error handler, which passes error information to the fault handler (see figure 2 item 30 and column 7 lines 30-35, column 5 lines 10-11).

In regards to claim 24, Gardiner discloses:

a confirmation device checking whether another device in the system is affected by the failed device, said system prohibiting use of a device affected by the failed device and said notification judgment device judging whether a device control unit that performs control over the affected device should be notified of the prohibition of use of the affected device. Gardiner discloses a fault handler that analyze the error information of the received fault report from an lower level fault handler which begins fault handling process at that particular level (see column

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6 lines 53-57), indicating a confirmation device checking whether another device in the system is affected by the failed device. Furthermore, error detector at the lower level compares expected behavior with actual observed behavior and upon detection of an error, notifies and provides corresponding error information to the lower level fault handler (see column 7 lines 30-35, column 5 lines 10-11), which passes the information to the local level fault handler (column 6 lines 53-57), indicating said notification judgement device judging whether a device control unit that performs control over the affected device should be notified of the prohibition of use of the affected device.

In regards to claim 25, Gardiner discloses:

a confirmation device checking whether another device in the system is affected by the failed device. Gardiner discloses a fault handler that analyze the error information of the received fault report from a lower level fault handler which begins fault handling process at that particular level (see column 6 lines 53-57).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Emerson Puente, whose telephone number is (703) 305-8012. The examiner can normally be reached on Monday-Friday from 8:00AM- 5:00PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Robert Beausoliel*, can be reached on (703) 305-9713 or via e-mail addressed to *[robert.beausoliel@uspto.gov]*. The fax number for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

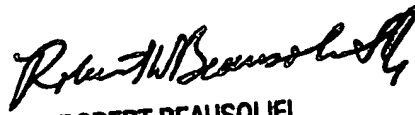
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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [emerson.puente@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 305-3900.

Emerson Puente
4/21/03


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